IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.998 OF 2005

Smt. Shirin Haroon Rakhangi .. Appellant

Vs.

The Municipal Corporation of Gr. Bombay and anr. .. Respondents

Mr. Vineet B. Naik with Mr. Mustafa Motiwala i/by PDS Legal for appellant.

Mr. Geeta Joglekar for Respondent-BMC.

CORAM: B.H. MARLAPALLE, J.

Date : October 21, 2005.

P.C.:

. Heard Mr. Naik the larned counsel for the appellant-plaintiff and Ms. Joglekar for the respondent-Corporation.

. This appeal arises from the ad-interim order dated 17/10/2005 whereby in Notice of Motion No.3864 of 2005 the learned Judge of the City Civil Court did not consider to pass ad-interim order in favour of the plaintiff. Thus, the Notice of Motion is pending and is made returnable on 27/10/2005. The plaintiff is not precluded from praying for ad-interim order in the

said Notice of Motion on the returnable date i.e. 27/10/2005 as the prayer for ad-interim relief has not been declined/refused.

. The appeal is, therefore, disposed off by recording a statement made by Ms. Joglekar, on instructions, that status quo as at present shall be maintained in respect of the suit structure till 27/10/2005.

. Writ to go to the trial court forthwith.

(B.H. Marlapalle,J.)